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Examiner: D.A. Davis **Group:** 1641

Date: February 4, 2005

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From: Carol A. Egner, Esq.

Subject: Paper: Interview Summary

Docket No.: 1440.1038-003

Applicants: Mustapha Abdelouahed and John W. Lawler

Serial No.: 10/084,832

Filing Date: February 27, 2002

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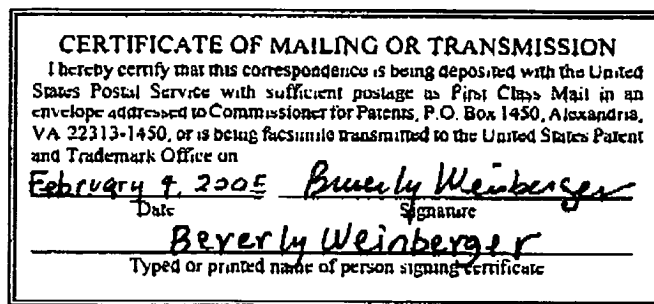
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mustapha Abdelouahed and John W. Lawler
Application No.: 10/084,832 Group: 1641
Filed: February 27, 2002 Examiner: D.A Davis
Confirmation No.: 5718
For: DIAGNOSTIC ASSAY FOR TYPE 2 HEPARIN-INDUCED
THROMBOCYTOPENIA



INTERVIEW SUMMARY

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Examiner Davis called Applicants' Attorney, Carol A. Egner, on 6 January 2005 and proposed that amendments be made regarding Claims 1, 34 and 35. It was proposed that Claim 1 be amended to start with "An isolated ternary complex . . .," and that the claim be amended to delete the last part from "or produced from" It was also proposed that Claims 34 and 35 either be deleted, or be amended to include the ternary complex as a component of the kit.

Supervisory Examiner Le called Applicants' Attorney on 19 January 2005 to further explain the proposed amendments. Examiner Le stated that amending Claim 34 to include the ternary complex in the kit was necessary to distinguish the subject matter of the claim from the prior art as found in Amiral (US 5,466,582). Applicants' Attorney pointed out the absence of

10/084,832

-2-

"the standardized positive control" from any teaching in US 5,466,582, and the absence of any teaching in the prior art that such a standardized positive control antibody could be made.

Claim 1 was not discussed.

Examiner Davis called Applicants' Attorney on 24 January 2005, again proposing cancellation of Claims 34 and 35, stating that the individual components of the claim have been described before, and that kit claims are not given patentable weight.

Applicants' Attorney stated that the antibody component of the kit had not been described in any reference.

Applicants' Attorney stated that the proposed amendment to Claim 1 and the reasons for it were still not clear.

Examiner Davis called Applicant's Attorney on 25 January 2005 and proposed the addition of "ternary" to Claim 1, as before. Examiner Davis also proposed that the last part of the claim be deleted, starting from "isolated from human platelets . . .," but did not state under what particular section and paragraph of 35 U.S.C. the concern arose. The objection was stated that the claim contained terms of "means for producing."

Claims 34 and 35 were again discussed. Applicants' Attorney proposed to substitute "platelet factor 4/heparin/thrombospondin-1" for "ternary" to provide greater clarity.

No agreement was reached in any of these conferences.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Carol A. Egner
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Dated: *February 4, 2005*